

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DEVENNICE A. GAINES,

Petitioner,

v.

DANIEL WHITE,

Respondent.

CASE NO. C18-5901BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

THIS MATTER is before the Court on the Report and Recommendation (“R&R”) of the Honorable Theresa L. Fricke, United States Magistrate Judge [Dkt. # 15]. Gaines has objected. [Dkt. # 18].

On November 29, 2018, Petitioner Daniel Gaines filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. [Dkt. # 4]. On November 9, 2020, Judge Fricke issued the R&R, recommending that the Court deny Gaines’ § 2254 habeas petition and deny a certificate of appealability. [Dkt. # 15]. On November 18, 2020, Gaines filed a motion for extension of time to answer, [Dkt. # 16], to which Respondent Daniel White did not oppose, [Dkt. # 17]. On December 1, 2020, Gaines filed his objections. [Dkt. # 18].

1 The district judge must determine de novo any part of the magistrate judge's
2 disposition that has been properly objected to. A proper objection requires specific
3 written objections to the R&R. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th
4 Cir. 2003) (en banc). "Courts are not obligated to review vague or generalized objections
5 to an R&R; a petitioner must provide specific written objections." *Ybarra v. Martel*, No.
6 09CV1188-LAB AJB, 2011 WL 613380, at *1 (S.D. Cal. Feb. 11, 2011). The district
7 judge may accept, reject, or modify the recommended disposition; receive further
8 evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P.
9 72(b)(3).

10 Gaines' objections are sufficiently specific, but they are substantially similar to the
11 arguments he made in his underlying petition [Dkt. #s 1, 3, and 5] and in his Reply [Dkt.
12 # 14]. The R&R addressed each claim in turn, and the Court agrees with its resolution.
13 Therefore,

14 (1) The R&R is **ADOPTED**;

15 (2) Gaines's § 2254 habeas petition is **DENIED** and **DISMISSED** with
16 prejudice;

17 (3) For the reasons articulated in the R&R, the Court will **NOT** grant Gaines a
18 Certificate of Appealability;

19 (4) Gaines' Motion for an extension of time [Dkt. # 16] is **DENIED** as moot;
20 and,

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1 (5) The Clerk shall enter a **JUDGMENT** and close the case.

2 **IT IS SO ORDERED.**

3 Dated this 14th day of January, 2021.

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6 BENJAMIN H. SETTLE
United States District Judge